

PATENT
P53821CREMARKS

Claims 1 through 59 and 64 through 90 are pending in this application. Claims 85 through 90 have been newly added by this Amendment.

Claims 1 through 24, 34 through 38, and 57 through 59 have been allowed while claims 32, 33, 43 through 45, 53 and 55 have improperly been withdrawn from consideration. Claims 85 through 88, copied substantially verbatim from U.S. Patent No. 5,839,307 issued on 24 November 1998 to Peter Field and Michael Lunpkin, correspond to previously presented Claims 60 through 63. As was explained in Applicant's Second Supplemental Amendment of the 17th of August 1999, claim 85 is copied from claim 1 of the Field '307 patent by the addition of a comma in the preamble; claim 86 is copied from dependent claim 2 of Field '307; claim 87 is copied from claim 14 of Field '307, with the number of the locking member changed to singular; and claim 88 is copied verbatim from claim 19 of Field '307.

Applicant's Figs. 1-18, for example, disclose, *inter alia*, shell 102, cavity 102d, barrel 70, side bar 101g, cavity 102a (to the extent that this cavity is different from the cavity 102d referred to in line 2 of claim 1 of Field '307), locking member 105, drive mechanism 105b and control means 104. Accordingly, all elements defined in newly added claims 85 through 87, and all of the process steps defined in claim 88 are found in Applicant's specification. Retrofitting is expressly disclosed on page 4, lines 16-18, for example, as well as in lines 8-11 on page 21 and lines 4-19 of page 18 of Applicant's original specification.

PATENT
P53821C

Should the Examiner desire to entertain a requirement for restriction of claim 85 through 90, or alternatively, an election of species, the Examiner is requested to immediately telephone Applicant's undersigned attorney.

The request for cancellation in Applicant's paper of the 6th of October erroneously identified the wrong claims for cancellation. It was Applicant's intention to have canceled, among others, non-elected claims 33 and 35, but through typographic error, the amendment inadvertently directed the cancellation of the claims for the proposed interference. To avoid another mistake, this paper is filed in substitution of the papers dated 6 October and 17 November 1999, no claims are canceled and claims 1 through 84 all remain pending. The Examiner's indication of readiness to issue a Declaration of Interference after the conclusion of the current year, is noted with appreciation.

Amended claims 39, 43, 46 and 56, together with newly added claims 64 through 84, define, among other things, the elected species of Figs. 8A through 8G. The Applicant notes that the Examiner had asserted that claims 43 through 45 were withdrawn from consideration; Applicant notes however, that claims 43 and 44 clearly define the elected species, while claim 45 depends upon the more generic parent independent claim 43. Accordingly, claims 43 and 44 must be considered.

Claims 25 through 31, 39 through 42, 46 through 52, 54 and 56 were alternatively rejected under 35 U.S.C. §102(e) as anticipated by, or under 35 U.S.C. §103(a) rendered obvious by, Gokcebay U.S. 5,552,777. Applicant traverses these rejections for the following reasons.

PATENT
P53821C

Each of these claims, together with newly presented claims 64 through 84, define, "*inter alia*," a "bar" interposed between a shell and a cylinder plug, and an "electrical operator". As defined by claim 25, for example, the electrical operator is "electrically operable to respond to a control signal by moving" In contradistinction, Gokcebay '777 uses a spring 48 that does not, respond to either a control signal or to any electrical stimulus by moving. The Examiner's attention is directed to the transitive and intransitive sense of the verb "move". In effect, the Examiner is re-writing Applicant's claims to substitute "by being *moved* between" for the express language currently used by these claims of "by *moving* between." This is an impermissible interpretation of Applicant's claims. In both mechanical and electrical analogues, the spring is considered as a passive, rather than an active component; consequently, the spring does not move itself, and must be moved by some external force. Applicant's electrical operator is defined by these claims as "being electrically operable to respond ... by *moving* between" These distinctions are significant because they provide Applicant with indirect, rather than direct locking, and a concomitant increase in mechanical advantage to the user of components such as a side bar or detent. These features are utterly lacking from the art represented by Gokcebay '777.

Moreover, the Examiner's interpretation of Gokcebay '777 to identify his spring 48 as something that is "considered electrically operable" is improper, and contrary to the express teachings of Gokcebay '777. In claim 1 of Gokcebay '777, by way of the example, lines 10 through 14 define the spring while lines 21 through 26 define the operator. These components are distinct, serve distinct functions and cannot be twisted, in their meaning, like a nose made of wax, in order

PATENT
P53821C

to improperly read these components upon Applicant's language.

Even assuming *arguendo* that the Gokcebay '777 blocking pin/armature item 38 is a "bar" instead of an armature and blocking pin, the Examiner's interpretation still has overlooked how the lock of Gokcebay '777 works and how that is different from the pending claims. According to Gokcebay '777, the "compression spring" item 48 is described in "Description of Preferred Embodiments" in Section 6 line 43 as follows: "The small solenoid 36 when powered overcomes the force of the compression spring 48. In section 8, line 21, it reads "When the solenoid is powered the blocking pin 38 will be released ie: retracted, and the operator [a human person] will be able to rotate the key in the lock, since the key bittings will match the bittings in the lock." Line 26 reads "the master ie: the microprocessor 72 sends the unique number again to U1 to turn off U2 and Q1, stopping the current to the solenoid and allowing the compression spring to *push the blocking pin outwardly* when the cylinder plug is returned to the locked position".

Of course the Gokcebay drawings illustrate the blocking pin/armature as being one in the same component, with the spring constituting merely a spring, and not, as was asserted by the Examiner, an "electrical operator".

If the Examiner believes that the "electrical operator" of the pending claims might be read as the spring of Gokcebay '777 and that the blocking pin of Gokcebay '777 could be read as a "bar" or sidebar, then Gokcebay's spring does not provide "obstruction of said bar" as defined by

PATENT
P53821C

Applicant's claims because, in fact, the spring provides no obstruction. It does exactly what Gokcebay describes, by biasing the blocking pin outwardly in the same manner as any biasing element, it intrinsically lacks the structure and is inherently devoid of the capacity to "obstruct" the "bar" simply because the same spring must freely and continuously, even in the absence of Applicant's control signal, allow *full* reciprocation of the blocking pin of Gokcebay '777. Spring 48 of Gokcebay '777 is neither able to both concurrently and simultaneously "respond to" Applicant's control signal, provide Applicant's "obstruction of said bar," or be "electrically operable". Consequently, spring 48 cannot be considered to "be electrically operable" as asserted by the Examiner in support of this rejection. Moreover, if spring 48 were "electrically operable to move," then solenoid 36 of Gokcebay '777 would have no function. In short, the Examiner must consider "the subject matter" of each of these claims "as whole" in conformance with the requirement of §103, and must recognize that determinations of obviousness require an evaluation of all of the elements of each claim. The Examiner cannot accurately assert that "spring 48" of Gokcebay '777 has all of the characteristics and attributes of "blocking pin 38" of Gokcebay '777 without impermissibly requiring the solenoid 36 and spring 48 to function in a mode that is contrary to the express teachings of Gokcebay '777.

Applicant's notes that previously presented dependent claims 82 through 84 are readily distinguishable from art of records such as Gokcebay U.S. Patent No. 5,552,777, by the presence of components biasing either the bar or the electrical operator, and that if a spring in Gokcebay '777 is interpreted as constituting an "electrical operator", as is explained in page 5 of the Examiner's

PATENT
P53821C

comments in Paper No. 25, it would be impossible to interpret Gokcebay '777 or Gokcebay U.S. patent No. 5,367,293 as either anticipating or making a prima facie showing of obviousness. It is these differences in detail, in combination with the elements of the parent claim 25, that advantageously endow Applicant's embodiments with their ability to quickly retrofit in existing cylinder lock with an additional and increased level of security. Accordingly, claims 82 through 84 are in condition for allowance.


In view of the foregoing distinctions, and the advantageous results flowing therefrom, withdrawal of the rejections and allowance of claims 25 through 33, 39 through 56, and 64 through 84, and newly added claims 85 through 90 is required.

A fee of \$210.00 (**SMALL ENTITY**) was incurred by four (4) extra claims and six (6) extra independent claims. The check of Applicant's attorney drawn to pay to the order of Commissioner of this amount, was presently paid. Applicant's check (#36235) drawn to the order of Commissioner accompanies this Substitute Amendment. Should the check become lost, should other fees be incurred, the Commissioner is authorized to charge Deposit Account No. 02-4943 of Applicant's undersigned attorney in the amount of such fees.

PATENT
P53821C

In view of the foregoing amendments and remarks, all claims are deemed to be in condition for allowance. Entry of these amendments, withdrawal of the single outstanding art rejection and passage of this application to issue is respectfully requested. Should questions remain unresolved however, the Examiner is requested to telephone Applicant's undersigned attorney.

Respectfully submitted,


Robert E. Bushnell,
Attorney for the Applicant
Registration No.: 27,774

1522 "K" Street N.W., Suite 300
Washington, D.C. 20005-1202
(202) 408-9040

Folio: P53821C
Date: 3/16/00
I.D.: REB/kf